

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------|---|-------------------------------|
| LESLIE R. KELLY, |) | |
| |) | Docket No. 03-368E |
| Plaintiff, |) | (Judge Susan Paradise Baxter) |
| |) | |
| vs. |) | |
| |) | |
| MARTY SAPKO, et al., |) | |
| |) | |
| Defendants |) | ELECTRONICALLY FILED PLEADING |
| |) | |

**MOTION TO EXTEND TIME TO FILE RESPONSE TO
DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT**

AND NOW, comes the plaintiff, Leslie R. Kelly, by and through its counsel, Knox McLaughlin Gornall & Sennett, P.C., and files the following Motion requesting an extension of time in order to file a response to Defendants' Motion to Dismiss or, in the alternative, for Summary Judgment:

1. On November 30, 2005, plaintiff's current counsel was appointed by the Court to represent plaintiff in this action.
2. On January 20, 2006, plaintiff filed his Second Amended Complaint, in which he refined his claims against Defendants.
3. On February 17, 2006, defendants filed a Motion to Dismiss, or in the alternative, for Summary Judgment to plaintiff's Second Amended Complaint ("Defendants' Motion").
4. Defendants' Motion includes substantial factual information in the form of affidavits and documentary evidence.

5. Plaintiff's counsel has determined that, as part of its response to Defendants' Motion, plaintiff will likely be requesting discovery pursuant to F.R.C.P. 56(f) to address a number of factual issues raised by defendants in their Motion for which there is substantial disagreement between plaintiff and defendants.

6. In order to prepare a complete Rule 56(f) request and fully respond to defendants' arguments and factual assertions, plaintiff is respectfully requesting that the Court grant him an additional 20 days to respond to Defendants' Motion.

7. Counsel for defendants has consented to relief requested in this Motion.

WHEREFORE, plaintiff respectfully requests that this Court grant this Motion and provide him an additional 20 days to respond to defendants' Motion to Dismiss or, in the alternative, Motion for Summary Judgment.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: /s/ Richard A. Lanzillo, Esq.

Richard A. Lanzillo, Esquire
rlanzillo@kmgslaw.com
PA 53811
120 West Tenth Street
Erie, PA 16501
(814) 459-2800

Attorneys for Plaintiff, Leslie R. Kelly

660412